

First Circuit Opinion Summaries by Findlaw

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Most Recent Summaries

Travers v. Flight Services & Systems, Inc.

December 15, 2015

Labor & Employment Law

(United States First Circuit) - In a suit brought by an employee of a skycap company, alleging he was fired for helping organize a class action against the same company, the jury verdict and District Court's judgment in favor of plaintiff is: 1) affirmed over defendant's appeal from the verdict and the District Court's award of damages and attorney's fees and costs; 2) affirmed over plaintiff's cross-appeal of District Court's decisions not to treble and not to grant prejudgment interest on the emotional-distress damages; but 3) vacate as to the District Court's elimination of any front-pay award and remand for further proceedings.

US v. Zayas-Ortiz

December 11, 2015

Sentencing, Criminal Law & Procedure

(United States First Circuit) - In a defendant's motion for sentence reduction pursuant to 18 U.S.C. section 3582(c), following an amendment to the United States Sentencing Guidelines, the district court's short form denial of the motion is affirmed where the record adequately reflects the basis upon which the defendant's motion was denied.

Valerio-Ramirez v. Lynch

December 11, 2015

Immigration Law, Administrative Law

(United States First Circuit) - Petition for review of the Board of Immigration Appeals order denying her application for withholding of removal is granted where petitioner is not in fact in removal proceedings subject to 8 U.S.C. section 1231, due to inconsistent characterization of the governing law by the immigration authorities and insufficient analysis by the BIA.

US v. Dzhanikyan

December 11, 2015

Criminal Law & Procedure

(United States First Circuit) - In consolidated criminal appeals, convictions of conspiracy to distribute oxycodone, 21 U.S.C. section 846, attempt to collect a debt through extortionate means, 18 U.S.C. section 894(a), and possessing crack cocaine with intent to distribute it, 21 U.S.C. section 841(a)(1) are: 1) reversed as to Martinez's conviction for conspiring to use extortionate means to collect an extension of credit, 18 U.S.C. section 894(a); but 2) otherwise affirmed over a number of challenges to their convictions, including some that concern the District Court's decision to try the two men together.

Students for Fair Admissions, Inc. v. President and Fellows of Harvard College

December 10, 2015

Civil Rights, Education Law

(United States First Circuit) - In a case challenging Harvard College's consideration of race in its undergraduate admissions decisions, the district court's denial of a motion to intervene, filed by an opposing group of current and prospective Harvard students (Students) who claim to be benefited by the school's current practice, over the objection of both parties, is affirmed where: 1) the district court thoughtfully and carefully considered disposition of the Students' motion; and 2) the Students will find that amicus briefs will provide them with a fair opportunity to voice their views concerning the issues posed by the litigation.

Marzuq v. Cadete Enterprises, Inc.

December 10, 2015

Labor & Employment Law

(United States First Circuit) - In a suit brought by former managers of Dunkin' Donuts claiming they were improperly denied overtime pay in violation of the Fair Labor Standards Act (FLSA), 29 U.S.C. section 207(a)(1), the district court's rejection of the magistrate judge's recommendation and grant of summary judgment to the defendant employees is vacated and remanded for further proceedings where material factual disputes remain concerning the exemption's applicability to plaintiffs.

US v. Paulino-Guzman

December 10, 2015

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conviction of unlawful possession of a firearm is affirmed where the district court did not abuse its discretion in relying in part on the sentence's supposed deterrent effect to justify an upward variance from a recommended sentencing range of 41-51 months.

US v. Gorski

December 10, 2015

Criminal Law & Procedure

(United States First Circuit) - In interlocutory appeals from a district court order that, among other things, compels a law firm to produce certain documents pertaining to a fraud allegedly committed by defendant in his operation of a construction company, the order is: 1) affirmed as to the production order as to the law firm; but 2) vacated as to the district court's decision to exclude defendant's communications with his personal attorney from the production order and remand that portion of its order.

US v. Analetto

December 9, 2015

Criminal Law & Procedure

(United States First Circuit) - Conviction for knowingly participating in the use of extortionate means to collect or attempt to collect an extension of credit, under 18 U.S.C. section 894, is affirmed over defendant's challenges that: 1) the District Court chose the wrong remedy for the

prosecution's gender-based discrimination in the use of peremptory challenges during jury selection; 2) the evidence at trial was insufficient to support a finding that his voicemail message conveyed an implicit threat of violence and because the government failed to put on any other evidence that could suffice to prove that he had done so; and 3) the District Court's erred in its refusal to instruct the jury regarding whether defendant specifically intended to cause fear in victim and whether defendant was too intoxicated at the time he left the voicemail message to have had such a specific intent.

Whyte v. Lynch

December 9, 2015

Criminal Law & Procedure, Immigration Law

(United States First Circuit) - Petition for review of a Board of Immigration Appeals (BIA) decision ordering petitioner's removal on the grounds that his Connecticut offense was categorically a crime of violence and thus was necessarily an aggravated felony, the petition is granted where, in light of *Chrzanoski v. Ashcroft*, 327 F.3d 188 (2d Cir. 2003), which holds that third-degree assault as defined by Connecticut law does not require proof of all of the required elements of a crime of violence, petitioner's conviction for that offense, standing by itself, does not constitute proof that he has been convicted of an aggravated felony calling for his removal. <http://media.ca1.uscourts.gov/pdf/opinions/14-2357P-01A.pdf>